

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 96-251

September 28, 1999

PUBLIC UTILITIES COMMISSION  
Elizabeth Burr et al. v. The Island  
Telephone Company, Request for  
Commission Investigation Into  
Matinicus (366) to be Included in the  
Rockland (594 & 596) Exchanges  
According to the Basic Service Calling  
Area Rule (Chapter 204)

ORDER DISMISSING  
COMPLAINT

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In this order, we dismiss this complaint.

On May 15, 1996, the Commission received a complaint signed by Elizabeth Burr and 31 other persons against the Island Telephone Company (Island or Company). The complaint, filed pursuant to 35-A M.R.S.A. § 1302, is a request that the Commission investigate whether the Matinicus exchange should be included in the Basic Service Calling Area (BSCA) of the Rockland Exchange. Matinicus is an island over fifteen miles off the coast of Maine.

Under the Commission's BSCA Rule, Chapter 204, Matinicus originally qualified for expanded local calling to Bell Atlantic's Rockland exchange because 50% or more of its customers called Rockland four or more times per month. Island argued, however, that the revenue impact from converting the route to toll would be prohibitive due the impact of the federal separations process. On April 11, 1995, Island was granted a waiver of Chapter 204 to allow the company additional time to analyze traffic data, revenue impacts and rates needed to recover expenses. In the Order granting the waiver, the Commission recognized the unusual nature of island telephone service and the costs involved. While a permanent waiver was not granted, Island filed tariff changes on January 7, 1998 (Docket No. 98-012, additional revisions filed 2/4 and 2/5/98, tariff effective 2/7/98), to allow Matinicus customers more flexibility in subscribing to optional calling plans.

On August 7, 1997, Commission Staff attended a public meeting on Matinicus with representatives of the Office of Public Advocate and the company. It was apparent that the primary concern of island residents was not the issue in the complaint (making Rockland a local call), but service quality. The telephone switch on the island is a remote switching unit that does not reliably maintain on-island calling capability when the microwave link to the host switch on Swan's Island is lost, which occurs during certain weather conditions. The residents are

more concerned with the ability to communicate with other islanders for safety reasons than being able to contact the mainland.

Island Telephone Company has made numerous changes to the equipment on the island and will continue to monitor the quality of service provided to the island residents. Island is currently installing a microwave unit in Vinalhaven, which will halve the distance the microwave signal to Matinicus must travel. Island expects this will substantially reduce the number of times Matinicus will lose its microwave links.

On July 8, 1999, Island filed a request for further waiver of the BSCA Rule and has provided updated traffic studies (Docket No. 1999-572). The Commission will analyze the information and data and rule on the waiver request in that case.

Because of the cost implications involved in this complaint, the recurring service quality issues, and the pending waiver request, we will dismiss this complaint. Island must continue to improve the telephone service on the island with the goal of uninterrupted on-island local service whether or not the microwave link to the mainland fails. If necessary, we will commence a separate investigation into service quality.

Therefore, we

O R D E R

That this complaint be dismissed as without merit.

Dated at Augusta, Maine, this 28th day of September, 1999.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond

COMMISSIONER ABSENT:              Nugent

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission to the Maine Supreme Judicial Court, sitting as the Law Court, is not available, as provided in 47 U.S.C. § 252(e)(6).
3. Review of this discussion is available to an aggrieved party by bringing an action in federal district court, as provided in 47 U.S.C. § 252(e)(6).

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